

Hon. John H. Chun

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON

Mr. Kurt A. Benshoof, A.R.W. By and Through
His Father, Mr. Kurt A. Benshoof, Brett
Fountain, Urve Maggitti,

Plaintiffs,

vs.

ANDREA CHIN, ANTHONY BELGARD,
DONOVAN BROUSSARD, NATHAN
CLIBER, CATHERINE CORNWALL,
GREGG CURTIS, JANE DOE, JENNY
DURKAN, JOHN DUUS, NICHOLAS
EVANS, PASCAL HERZER, RYAN ELLIS,
MICHAEL FOX, TYLER GOSLIN, JULIE
KLINE, ERNEST JENSEN, JONATHAN
KIEHN, SPENCER KURZ, MAGALIE
LERMAN, RICHARD LIMA, ADAM
LOSLEBEN, YVES LUC, SARAH
MACDONALD, JACOB MASTERSON,
GRANT MAYER, STEVEN MITCHELL,
JOHNATHAN MUSSEAU, BREHON NESS,
LILIYA NESTERUK, STEPHEN
OKRUHLICA, KATRINA OUTLAND,
JESSICA OWEN, SARAH PENDLETON,
DWAYNE PIRAK, BRIAN REES, BLAIR
RUSS, JULIE SALLE, DANIEL SCHILLING,
TY SELFRIDGE, NATHAN SHOPAY,
STEVEN STONE, MICHAEL TRACY,
MELANIE TRATNIK, SARAH TURNER,
TREVOR TYLER, MICHAEL VIRGILIO,

No. 2:24-CV-00808-JHC

CITY OF SEATTLE'S MOTION TO SEAL

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MOTION TO SEAL - 1

(2:24-CV-00808-JHC)

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1 ANDREW WEST, CHAD ZENTNER, In Their
 2 Individual Capacities, CITY OF SEATTLE,
 KING COUNTY,

3 Defendants.

4 The City of Seattle attempted to meet and confer with Plaintiff Magitti on May 30, 2025, and
 5 June 3, 2025. Plaintiff Magitti does not consent to this Motion.

6 I. INTRODUCTION

7 Defendant City of Seattle (“the City”) brings this Motion to Seal the Returns of Service in
 8 Plaintiffs’ Exhibits in Support of Reply to Order to Show Cause under Federal Rules of Civil
 9 Procedure (FRCP) 5.2(d) and LCR 5(g) because they contain the home addresses of the individual
 10 City Defendants. The newly added City Defendants include law enforcement officers, a judge, and
 11 prosecutors. As judicial officers, their privacy and personal security interests in keeping their home
 12 addresses confidential outweigh the public’s interest in access to the Summons.

13 Mr. Benshoof’s filings are prolific and abusive.¹ Order Declaring Plaintiff Benshoof a
 14 Vexatious Litigant at 13, Benshoof v. Admon, No. 2:23-cv-1392 JNW (W.D. Wash. Feb. 11, 2025).
 15 He repeatedly sues the same people across multiple cases and courts in order to harass them. *Id.* at
 16 14. Mr. Benshoof has filed multiple lawsuits addressing the same topics, against the same defendants,
 17 involving repeated frivolous motions. *Id.* at 15. He utilizes the judicial process to harass those who
 18 displease him, including judges and opposing counsel, and uses service of process to harass named
 19 defendants by seeking out home addresses and refusing to accept waivers of service. *Id.* at 14. Mr.
 20 Benshoof deploys the same calculated harassment campaign against anyone who disagrees or rules
 21 against him.

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 23 ¹ There are 264 docket entries in case 2:23-cv-1392-JNW.

II. AUTHORITY & ARGUMENT

A. Motion to Seal²

FRCP 5.2 governs the “Privacy Protection for Materials Filed with the Court” and requires the redaction of certain personally identifying information from electronic filings; subsection (e) of Rule 5.2. allows for the redaction of information “for good cause shown.” Fed. R. Civ. P. 5.2(e).

A motion to seal a document must include: (A) a certification that the party has met and conferred with all other parties.....to explore redaction and other alternatives to filing under seal; (B) an explanation of: (i) the legitimate private or public interest that warrant the relief sought; (ii) the injury that will result if the relief sought is not granted; and (iii) why a less restrictive alternative to the relief sought is not sufficient. LCR 5(g)(3)(A)-(B).

The presumption in favor of access to court records is not absolute. *Foltz v. State Farm Mut. Auto. Ins. Co.*, 331 F.3d 1122, 1135 (2003). The court looks to whether there are “compelling reasons” for overriding this presumption. *Id.* “In general, ‘compelling reasons’ sufficient to outweigh the public’s interest in disclosure and justify sealing court records exist when such court files might have become a vehicle for improper purposes, such as the use of records to gratify private spite, promote public scandal, circulate libelous statements, or release trade secrets.” *Kamakana v. City & Cnty. of Honolulu*, 447 F.3d 1172, 1179 (9th Cir. 2006). The court in *Kamakana* upheld the magistrate’s decision to order the city to produce documents while granting redaction of law enforcement officers’ home addresses because that information met the “compelling reason” standard because disclosure could expose officers and their families to harm or identity theft. *Id.* at 1182, 1184.

Mr. Benshoof uses the judicial system and service of process to “harass his named defendants

² This Court has already granted this Motion for the Summons that were filed by Defendant Benshoof to seal the same information. *See Dkt.* 88

1 by refusing to accept waivers of service and, instead, utilizing their home addresses.” Order Declaring
2 Plaintiff Benshoof a Vexatious Litigant at 14, *Benshoof v. Admon*, No. 2:23-cv-1392 JNW (W.D.
3 Wash. Feb. 11, 2025). Mr. Benshoof has done so here, again. (Dkt. # 70). Individuals are added to
4 the increasing list of defendants in connection with their role and actions taken as part of Mr.
5 Benshoof’s civil and criminal cases. There is no public interest in publishing defendants’ home
6 addresses on the court’s docket. The home addresses of defendants are in no way relevant to the case.
7 Listing defendants’ home addresses and allowing Mr. Benshoof and others to serve defendants at
8 their homes is being done for the purpose of harassment, intimidation, and to “gratify private spite.”
9 *Kamakana*, 447 F.3d 1172, 1179. The City has met the compelling reason standard required to seal
10 the court record and respectfully requests that this Court grant this motion to seal.

11 If the Court is unwilling to seal the Summons, the City requests that the Court order Dkt #’s 124-
12 1 and 125-1 be sealed, and allow the City to re-file the Summons with the defendant’s home address
13 redacted.

14 III. CONCLUSION

15 The City also respectfully requests that this Court grant the Motion to Seal Summons in
16 Plaintiff’s Evidence Supporting Response to Order to show cause, order Dkt #’s 124-1 and 125-1.

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CERTIFICATE OF COMPLIANCE

I certify that this Motion to Seal contains 755 words in compliance with the Local Civil Rules of the King County Superior Court as amended September 1, 2024.

DATED this 10th day of June, 2025.

ANN DAVISON
Seattle City Attorney

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Attorneys for Defendant City of Seattle

CERTIFICATE OF SERVICE

I certify that on the 10th day of June, 2025, I caused a true and correct copy of this document to be served on the following in the manner indicated below:

<p>Kurt Alden Benshoof, DOC #448305 Washington Corrections Center (WCC) PO Box 900 Shelton, WA 98584</p> <p><i>[Pro Se Plaintiff]</i></p>	<p>(X) U.S. Mail (X) CM/ECF () ABC Legal Messengers () Faxed () Via Email: kurtbenshoof@gmail.com; kurtbenshoof1@gmail.com DOCWCCInmateFederal@DOC1.WA.GOV</p>
<p>Brett Fountain 2100 West Northwest Highway 114 #1115 Grapevine, TX 76051-7808</p> <p><i>[Pro Se Plaintiff]</i></p>	<p>(X) U.S. Mail (X) CM/ECF () ABC Legal Messengers () Faxed () Via Email: kb407@exposelegalcorruption.com</p>
<p>Urve Maggitti 244 Blackburn Drive Berwyn, PA 19312 917-340-0561</p> <p><i>[Pro Se Plaintiff]</i></p>	<p>() U.S. Mail (X) CM/ECF () ABC Legal Messengers () Faxed () Via Email: urve.maggitti@gmail.com</p>
<p>Matthew Coughlan Darren Anthony Feider Monica Ghosh SEBRIS BUSTO JAMES 15375 SE 30TH Pl, Ste 310 Bellevue, WA 98007 425-450-3382</p> <p><i>[Attorney for Fox, Goslin, Mitchell]</i></p>	<p>() U.S. Mail (X) CM/ECF () ABC Legal Messengers () Faxed () Via Email: mcoughlan@sbj.law</p>
<p>Arick S. Bonsztyk 1000 Second Avenue, Suite 3660 Seattle, WA 98104 206-621-1871</p> <p><i>[Jessica Owen]</i></p>	<p>() U.S. Mail (X) CM/ECF () ABC Legal Messengers () Faxed () Via Email: asb@tbr-law.com</p>

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1 Peggy C. Wu 2 KING COUNTY PROSECUTING 3 ATTORNEY'S OFFICE 4 701 Fifth Avenue, Suite 600 5 Seattle, WA 98104 6 206-263-4008 7 8 <i>[King County, Catherine Cornwall, 9 Pascal Herzer, and Gregg Curtis]</i>	() U.S. Mail (X) CM/ECF () ABC Legal Messengers () Faxed () Via Email: pwu@kingcounty.gov
6 Howard Brown 7 1003 West Michigan Street 8 Hammon, LA 70401 9 10 <i>[Pro Se Interested Party]</i>	() U.S. Mail (X) CM/ECF () ABC Legal Messengers () Faxed () Via Email:

12 /s/ Grace Selsor
 13 Grace Selsor, Legal Assistant